

ADM-5
DD/R # 438-63

DOE REVIEW
COMPLETED,
10/8/03

19 APR 1963

MEMORANDUM FOR: Executive Director

SUBJECT : U. S. National Disclosure Policy
(Revised 10 April 1963)

DOS, NSC &
OSD REVIEWS
COMPLETED

1. The Chairman, State-Defense Military Information Control Committee advised at the 5-DMICC meeting on 17 April 1963 that the attached draft of the U. S. National Disclosure Policy was being staffed within State and it was expected that the Secretary would approve it in the next few days. Immediately thereafter it will be sent to the Secretary of Defense, Chairman, AEC and Director of Central Intelligence with a recommendation for their approval.

2. By NSC Action No. 2125 (September 14, 1959), the National Security Council requested the Departments of State and Defense, consulting as appropriate with other agencies, including the Atomic Energy Commission and the Central Intelligence Agency, to prepare a single, up-to-date, comprehensive, self-contained statement of policy on the release of classified military information to foreign governments and international organizations, and further requested that such policy statement be transmitted to the National Security Council for its information. Subsequently (NSC Action No. 2376, January 12, 1961), the Council requested that the preparation of the above statement be expedited. Again on 29 March 1963 the National Security Council requested that the Departments of State and Defense, in consultation with the Atomic Energy Commission and the Central Intelligence Agency, to complete the review of the present policy governing the disclosure of U. S. classified military information to foreign governments. NSC also requested the Departments to report the results

of the review for the information of the President, together with such recommendations as may be proposed with respect to policy and organizational arrangements that require appropriate Presidential action.

3. AEC and some elements within Defense have taken the position that the release of Restricted Data and Formerly Restricted Data to foreign governments is outside the jurisdiction of S-DMICC and object to its inclusion in the National Disclosure Policy paper. State Department and other elements within Defense have taken a contrary position. This difference of opinion has caused the delay in implementing NSC Action No. 2125 (14 September 1959).

4. The significant changes in the current National Disclosure Policy (15 November 1955) which have been incorporated in the attached draft are as follows:

a. The words "State-Defense" have been deleted from the name of the S-DMICC and the Committee is now referred to as the United States Military Information Control Committee (US-MICC). This change is recommended in that it more accurately identifies the agency with its functions.

b. The terms Restricted Data and Formerly Restricted Data have been defined and incorporated within the same policy framework as other classified military information subject to the procedures, practices, and regulations of the Committee.

c. The scope of Atomic Agreements has been consolidated in a separate section and portrayed in chart form to facilitate its use.

d. The purpose and scope of the policy have been delineated and a more comprehensive, current list of references included.

e. Emphasis has been given to the requirement for striking a proper balance between the attainment of U.S. objectives on the one hand and the preservation of our military secrets on the other.

f. Procedures for the disclosure of classified military information have been clarified and expanded to cover those procedures necessitated by changes in foreign policy, military objectives, and organization subsequent to the 1955 revision of MIC 206/29.

g. Procedures have been established whereby the MICC can more effectively control and keep current, the continuing exceptions to policy that have been approved by the committee.

h. The functional categories have been revised to more clearly define "Western Hemisphere Defense Information" and to update the security classifications indicated in the functional category chart.

i. Provisions have been incorporated to satisfy the NSC requirement for the MICC to maintain a continuing review of the implementation of the National Disclosure Policy in all its major aspects and submit an annual report to the NSC.

j. The responsibility for the Committee to keep under review the security system of foreign governments has been included.

k. The necessity for liaison activities of the Committee with other executive branch entities has been emphasized.

l. Regular membership of the Committee has been made current by including representatives of the AEC and CIA.

m. Representation from the National Aeronautics and Space Administration as an observer at all Committee activities.

n. Committee procedures have been brought up-to-date to indicate the current role of the CIA and AEC in Committee activities.

5. From the standpoint of the Agency interest it is noted that the attached draft incorporates the agreements of 1958 between the DCI and the Secretaries of State and Defense which provide that the DCI, with concurrence of USIB, may disseminate to foreign governments National Intelligence and Interdepartmental Intelligence which may contain classified military information.

6. Copies of this memorandum, with attachment, are being furnished to the DDI and DDP for their review, comment and concurrence pending receipt of the formal request for approval from the Secretary of State.

SIGNED

Sheffield Edwards
Director of Security

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Remarks: <p>In anticipation of a request from State for expedite action on the attached draft please furnish this Office with your comments and/or approval so that a coordinated Agency position can be established.</p> <p><i>Bill C.: Refer only if specific problem pertaining to OSA.</i></p>			
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